

REMARKS

The Office examined claims 1-16, rejected claims 1-4, 6-9 and 12-15, and objected to the other claims. With this paper, claims 1, 11 and 12 are changed, but the claims are otherwise the same, and so claims 1-16 remain in the application.

Rejections under 35 USC §102

At section 1 of the Office action, claims 12-15 are rejected under 35 USC §102 as being anticipated by U.S. Pat. App. Pub. 2003/0007078 to Feldis, III (hereinafter Feldis). The Office action cites paragraphs 32-39.

Regarding claim 12 (from which claims 14-15 depend), applicant has reviewed the cited paragraphs, and notes that Feldis discloses there various tags: a resolution tag, a cropping tag, a red-eye removal tag, and a quick-send tag. None correspond to the mode guard tag recited in claim 12. The mode guard tag recited in claim 1 controls editing of a picture, editing in the sense of actually altering the content of the picture. The quick-send tag of Feldis has to do only with whom a picture is to be sent to. The resolution tag has only to do with the resolution to be used in displaying a picture. The cropping tag has to do only with whether the picture is to be cropped. None of these tags therefore enable or disable a user from editing a picture, as that term is used in the application, i.e. to alter at least the content of at least a portion of a picture, as made clear in the application at page 3, line 9, where it is explained that the invention applies to the situation in which a company provides a picture advertising a product or service and would want a user to be prevented from editing the picture (because for example the user might slightly alter the picture and use the picture for the user's own benefit, and the company might find the alteration disparaging to the product or service

in some way). Thus, the editing referred to throughout the application is to be understood as "altering" at least a portion of a picture, and so is distinguished from merely "cropping" a picture. To more distinctly claim the invention in this respect, claim 12 is amended to recite "enabling editing of [a] picture ... so as to alter the content of at least a portion of the picture." Since cropping does not alter a portion of a picture, but instead merely omits a portion of a picture, the cropping tag of Feldis cannot fairly be said to anticipate the mode guard flag recited in claim 12.

Accordingly, and since claims 13-15 depend from claim 12, applicant respectfully requests that the rejections under 35 USC §102 of claims 12-15 be reconsidered and withdrawn.

Rejections under 35 USC §103

At section 2 of the Office action, claims 1-4 are rejected under 35 USC §103 as being unpatentable over U.S. Pat. No. 6,320,595 to Simmons et al. (hereinafter Simmons) in view of Feldis.

Regarding claim 1, the Office action relies on Feldis as in rejecting claim 12. With this paper, claim 1 is changed so as to also more distinctly claim the invention and distinguish the invention from the teachings of Feldis in respect to the editing of a picture, editing that is either enabled or non-enabled depending on a tag associated with the picture.

Accordingly, and since claims 2-4 depend from claim 1, applicant respectfully requests that the rejections under 35 USC §103 of claims 1-4 be reconsidered and withdrawn.

At section 3 of the Office action, claims 6-9 are rejected under 35 USC §103 as being unpatentable over Simmons in view of

Attorney Docket No.: 944-3.123
Serial No.: 10/023,438

Feldis and further in view of Song (U.S. Pat. App. Pub.
2002/0090068).

Claims 6-9 depend from claim 1. The rejections of claims 6-9 rely on the application of Feldis as in rejecting claim 1. For the same reasons as give in respect to amended claim 1, applicant respectfully submits that claims 6-9 are distinguished from the combination of Simmons, Feldis, and Song, and so requests that the rejections under 35 USC §103 of claims 6-9 be reconsidered and withdrawn.


Conclusion

For all of the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

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Date

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